

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SP D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

JESSE HARRIS,

Plaintiff,

v.

FRED RANEY, et al.,

Defendants.

NO.: 04-1018 T/An

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO
SERVE A SECOND SET OF INTERROGATORIES

Before the Court is Plaintiff's Motion for Leave to Serve a Second Set of Interrogatories filed on September 6, 2005. United States District Judge James D. Todd referred this matter to the Magistrate Judge for determination. For the following reasons, Defendant's motion is **DENIED**.

BACKGROUND

On August 30, 2004 United States District Judge James D. Todd issued an Order pursuant to 28 U.S.C. § 1915A(b)(1) that dismissed some of the Plaintiff's claims. Specifically, Judge Todd found that the Plaintiff's claims for injunctive and declaratory relief had been rendered moot because he was no longer incarcerated at the NCWX and that claims stemming from alleged violations of Tennessee law and Tennessee Department of Corrections Policy could not be brought in federal court under 42 U.S.C. § 1983. As a result of Judge Todd's Order, the only claim that remains is Plaintiff's claim that the Defendants retaliated against him for filing a grievance. Thus, the discovery the Plaintiff now seeks must be relevant to whether the

Defendants acted in retaliation against him and may not be in furtherance of those claims that have been dismissed.

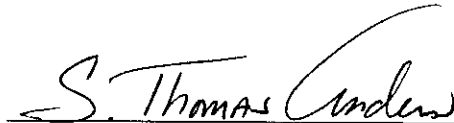
ANALYSIS

In the Motion before the Court, the Plaintiff does not set forth any facts that would provide a basis for extending the number of interrogatories allowed by the Federal Rules of Civil Procedure. He only states that these additional interrogatories are "necessary to uncover the true culpability of each defendant in association with their liability in relation to this lawsuit." (Pl.'s Mtn. at 2.) The Court, however, has reviewed the interrogatories contained in Plaintiff's Second Set of Interrogatories and it does not appear to the Court that the information sought therein is actually relevant to the issue of whether the Defendants retaliated against the Plaintiff for filing a grievance. As such, the Plaintiff has failed to demonstrate good cause for the Court to grant the Motion.

The Plaintiff's Motion is **DENIED** without prejudice. Plaintiff may refile the Motion if he can demonstrate that the information he seeks is relevant to his claim.

Pursuant to the Order of Reference, any objections to this Order shall be made in writing within ten days after service of this Order and shall set forth with particularity those portions of the Order objected to and the reasons for those objections.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 15, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 36 in case 1:04-CV-01018 was distributed by fax, mail, or direct printing on September 19, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT